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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte TED C. JOHNSON

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Appeal 2009-011204
Application 10/800,828
Technology Center 2400

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Before, DENISE M. POTHIER, DAVID M. KOHUT, and
ERIC B. CHEN, *Administrative Patent Judges.*

KOHUT, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) of the final
rejection of claims 1-7, 9-13, 15-21, 23-25, 27, 28, and 30-34.[1] We have
jurisdiction under 35 U.S.C. § 6(b).

We reverse the Examiner's rejection of these claims.

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[1] Claims 8, 14, 22, 26, and 29 were previously cancelled.

INVENTION

The invention is directed to a method, article of manufacture, server, and system for providing secure communications between a client and a server through the use of a decoy port number. *See* Spec. 3. Claim 1 is representative of the invention and is reproduced below:

> 1. A method of effecting secure communications between a server and a client, the server executed in a server computer, the method comprising:
>
> detecting, at the server computer, a client connection at a first port;
>
> providing, by the server computer, the client with a decoy port number; and
>
> providing, by the server computer, services to the client on a second port having a second port number that is mapped to the decoy port number, wherein the second port number is different from the decoy port number.

REFERENCES

Rueda	US 2002/0112076 A1	Aug. 15, 2002
Yarborough	US 2003/0065950 A1	Apr. 3, 2003
Fan	US 2004/0019689 A1	Jan. 29, 2004
Hipp	US 6,859,835 B1	Feb. 22, 2005 (filed Oct. 5, 2000)

REJECTIONS AT ISSUE[2]

Claims 1-3, 9, 10, 15, 17-19, 21, 23-25, 27, 28, 33, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yarborough in view of Hipp. Ans. 3-7.

Claims 4-7, 11-13, 16, 31, and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yarborough in view of Hipp and Fan. Ans. 8-12.

Claims 20 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yarborough in view of Hipp and Rueda. Ans. 12-13.

ISSUES

Appellant argues on pages 6-12 of the Appeal Brief and pages 2-5 of the Reply Brief that the Examiner's rejection of claims 1-7, 9-13, 15-21, 23-25, 27-28, and 30-34 is in error. These arguments present the following issue: Did the Examiner err in finding that the cited references teach or suggest providing the client with a decoy port number?

ANALYSIS

Claim 1 requires a decoy port number to be provided to a client. Independent claims 9, 15, 17, 21, 23, and 27 contain similar limitations. Claims 2-7, 10-13, 16, 18-20, 24, 25, 28, and 30-34 each depend upon one of independent claims 1, 9, 15, 17, 23, and 27. The Examiner finds that both Yarborough and Hipp disclose decoy port numbers that are used to provide services to a client. Ans. 13-14. In Yarborough, the Examiner finds that a new logical communication port that is assigned by the server and is

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[2] The Examiner withdrew the 35 U.S.C. § 101 rejection of claims 9-13, 21, 32, and 33. Ans. 13.

unknown to the client is the decoy port number. Ans. 14. In Hipp, the Examiner finds that the virtual ports are decoy ports. Ans. 14. We disagree.

Yarborough discloses receiving a request and opening a port number in order to transmit information, wherein the newly opened port number may be unknown to the client. Ans. 14. Likewise, Hipp discloses receiving a request at a port number and redirecting the request to a virtual port number when the initial port number is occupied. Ans. 14. Ans. 13-14. However, the Examiner fails to show and we do not find the relation between these port numbers and a decoy port number. We agree with Appellant that both of these references disclose actual port numbers (App. Br. 9), not decoy port numbers that (1) map to a second port number as required by independent claims 1, 9, 15, 21, and 23; or (2) are invalid port numbers as required by claims 17 and 27. Fan and Rueda do not cure the deficiencies of Yarborough or Hipp. Therefore, we cannot sustain the Examiner's rejection of claims 1-7, 9-13, 15-21, 23-25, 27-28, and 30-34.

CONCLUSION

The Examiner erred in finding that the cited references teach or disclose providing the client with a decoy port number.

SUMMARY

The Examiner's decision to reject claims 1-7, 9-13, 15-21, 23-25, 27, 28, and 30-34 is reversed.

REVERSED

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